

COCHISE COUNTY

Docket S-15-06A (Crisantes Mormon Rd MM Appeal)

Appeal of a Special Use Authorization For a
Medical Marijuana Cultivation and
Dispensary Facility

Board of Supervisors May 19, 2015



Public Programs...Personal Service

COCHISE COUNTY

Docket SU-15-06A (Crisantes Mormon Rd Med Mar Appeal)

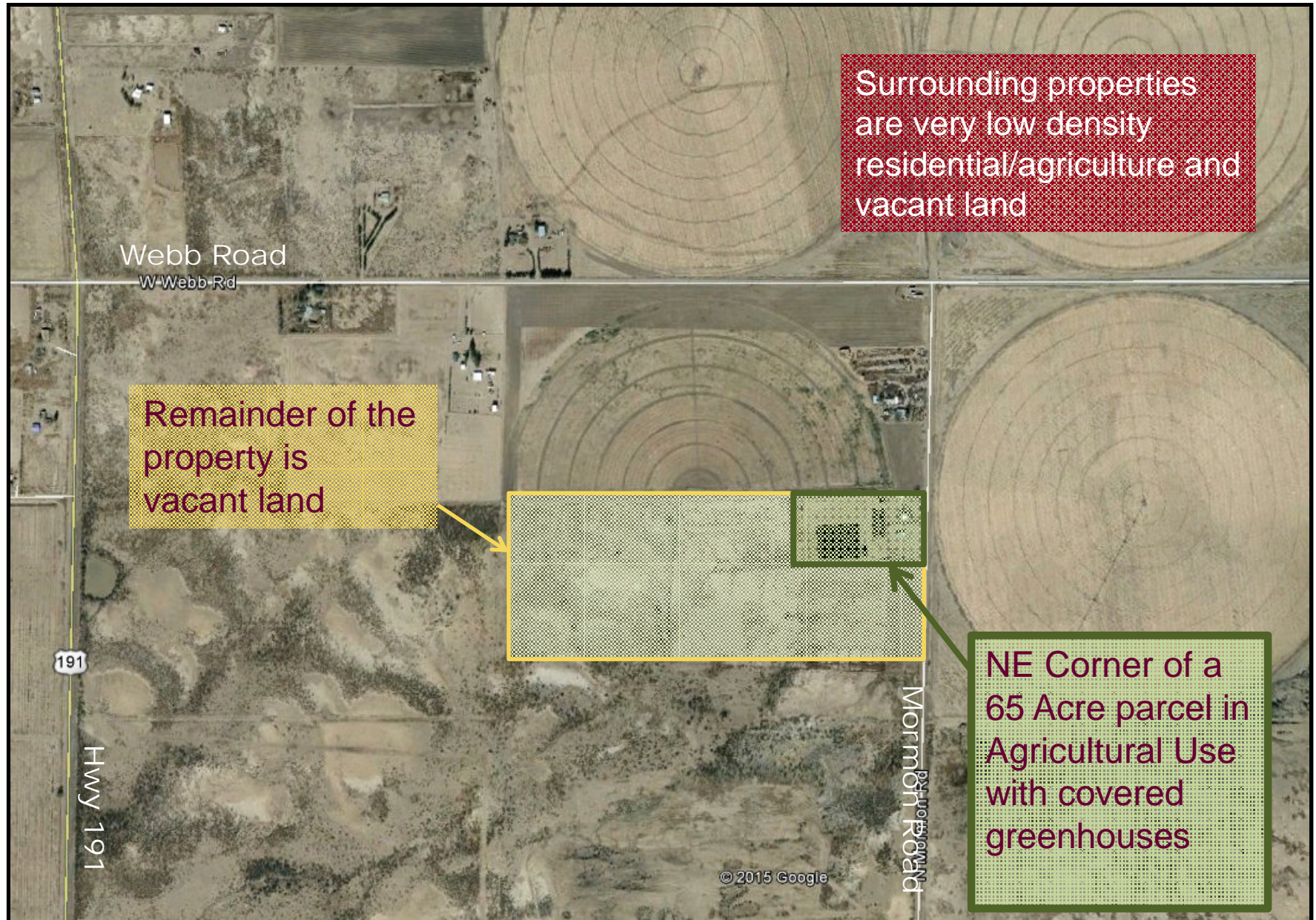
- On April 8, 2015 the Planning and Zoning Commission granted conditional approval of a Special Use request for a medical marijuana cultivation and dispensary facility.
- The subject parcel, 403-04-005, is located at 10990 N. Mormon Road in Elfrida in an RU-4, Rural zoned district currently in agricultural use.
- On April 14, 2015 Mr. Paul White submitted a Special Use Application for Appeal.



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Location



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Section 1716.04 of the Zoning Regulations governs the Appeal of Special Use authorization decisions. This section states that the appeal shall include:

1. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion; and
2. Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.

In the application the appellant provides the appeal information in three parts:

Part 1. Description of the decision being appealed.

Appellant's response:

“Concerned citizens, neighbors, and those in public safety positions, strongly feel this permit will not be beneficial, but harmful to our community. In my personal opinion, the special use permit is: **Not Safe and Not a Community Asset.** Please see the attached paper to see the concerns I spoke before the planning and zoning.” [sic, emphasis by appellant]

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Part 2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision was erroneous, arbitrary, capricious or any abuse of discretion.

Appellant's response:

Appellant affirms that the community members present at the April 8, 2015 spoke their concern before the board [sic].

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Part 2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision was erroneous, arbitrary, capricious or any abuse of discretion.

Appellant's response:

Appellant affirms that the community members present at the April 8, 2015 spoke their concern before the board [sic].

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Part 3. Allows the appellant to provide additional testimony and evidence with an explanation of why the evidence was not presented to the Planning and Zoning Commission.

Appellant's response:

“All information was presented before the Planning Commission on April 8, 2015. The community voice was heard that they were against Cochise County issuing his permit. The only citizens that spoke in favor of the permit, were those that filed for it. County Supervisors, the citizens you represent that were present at the April 8th meeting are against this permit. Please reconsider.”

One person speaking at the Public hearing raised the concern that the property proposed for the facility was “full of junk”.



Shared mailbox delivery site on property north of subject property.

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House for dispensary and parking area at subject site

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Covered greenhouses for cultivation at subject site

Factors In Favor of Approving the Appeal

1. The appellant is opposed to this use at this site.

Factors In Favor of Denying the Appeal

1. The appellant has not been able to provide a reason why the Planning and Zoning decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion;
2. The appellant has not provided any new evidence of testimony other than the evidence and testimony presented at the Planning and Zoning Commission meeting on April 8, 2015;
3. Medical marijuana cultivation and dispensary facilities are authorized by the State of Arizona;
4. Medical marijuana land uses are allowed as Special Uses in the Rural Districts in Cochise County;
5. The Planning and Zoning Commission voted 5-2 to approve Docket SU-15-06; and
6. Staff has received no letters in support of this appeal.